IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2230 OF 2005
IN
CRIMINAL APPEAL NO. 352 OF 2005

Akbar Hafiz Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. P.B. Kakade, Advocate for Applicant

Mr. D.P. Adsule, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 21ST SEPTEMBER, 2005

P. C.:-

1. Leave to amend. Amendment to be carried out forthwith.

2. Heard.

3. Sufficient cause has been made out for condonation of delay caused in filing Criminal Appeal No. 352 of 2005, hence, delay is condoned. Application is disposed of.

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 2231 OF 2005
IN
CRIMINAL APPEAL NO. 352 OF 2005

Akbar Hafiz Khan ...Applicant

Versus

The State of Maharashtra ...Respondent

.....

Mr. P.B. Kakade, Advocate for Applicant
Mr. D.P. Adsule, A.P.P. for State.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 21ST SEPTEMBER, 2005

P. C.:-

1. Leave to amend. Amendment to be carried out forthwith.

2. Heard both sides.

3. The applicant is seeking bail. The applicant has been convicted under Section 392, 452 and 342 r.w. 34 of I.P.C. The maximum sentence of imprisonment imposed on the applicant is three years.

3. It is stated by the learned advocate for the applicant that the applicant was on bail pending the trial and this liberty has not been misused by him. This statement has not been controverted by the prosecution. Mr.Kakade, the learned advocate for the

applicant has further submitted that the maximum sentence of imprisonment imposed on the applicant is three years and the applicant has already undergone about half the period of imprisonment. He has further submitted that the appeal is not likely to be heard within a period of one and half year, hence he has prayed that the applicant may be released on bail.

4. The Supreme Court in the case of **Bhagwan Rama Gosai and Ors. Vs. State of Gujrat reported in (1999) 4 SCC 421,** has observed that if the sentence is of limited duration and the appeal cannot be heard expeditiously, then bail should be granted. It is not possible to hear the present appeal expeditiously.

5. It is stated that there is one offence pending against the applicant. However, looking to all the facts and circumstances of this case, I am inclined to grant bail to the applicant.

6. The applicant Akbar Hafiz Khan to be released on bail in the sum of Rs.25,000/- with one or two sureties to make the said amount. The applicant shall report on every Sunday to V.P. Road police station, during the pendency of this appeal.

7. Application is disposed of.

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